

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

220

CWP-3468-2020

DECIDED ON: 23.03.2023

Dr.Nitya Nand

.....Petitioner

VERSUS

Pt.B.D.Sharma and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Shreenath A.Khemka, Advocate,
for the petitioner.

Mr. Harmanjot Singh Gill, Advocate
for the respondent.

RAJ MOHAN SINGH, J (ORAL)

The petitioner has preferred this writ petition for different reliefs including writ in the nature of mandamus directing the respondents to release full pensionary benefits including NPA, Leave Encashment, Gratuity and Commutation of pension along with interest.

Learned counsel for the petitioner submits that the petitioner was serving with the medical faculty with the respondent no.2 since 16.08.1978. He retired on 31/10/2018, but his pensionary benefits were not given in time. The petitioner had to file number of representations including filing of CWP-7481-2019 and the said writ petition was disposed of

vide order dated 18.03.2019 directing the respondent no.1 to pass a speaking order on the representation of the petitioner. In reply to the legal notice, the respondent no.1 has passed an order dated 20.12.2019 wherein contents of para no.3 of the legal notice were replied disclosing that the action with regard to release of full pension and his DCRG will be initiated only after receipt of report of enquiry from the competent authority / Government of India on allegations of mis conduct against the petitioner.

Learned counsel for the petitioner further submits that in the fact finding enquiry got conducted by the University itself on 05.09.2019, the committee of four persons including the Director, Medical Education Research Haryana, Director Health Services, Registrar, Pt.B.D.Sharma UHS, Rohtak and Principal Secretary, Town and Country Planning Department, Chandigarh unanimously came to the conclusion that the Vice Chancellor of University of Health Services Rohtak has not applied his mind while suspending the petitioner and the act is totally done in a mechanical manner. The above mis conduct of the petitioner ought to have been let off with the simple warning and the committee unanimously felt that the matter against the petitioner be closed by issuing a simple advisory / warning. The aforesaid recommendations of the committee

came to be passed on 05.09.2019 i.e prior to the reply filed to the legal notice of the petitioner.

Today, learned counsel for the petitioner has placed on record office order dated 05.02.2021 in the context of releasing of DCRG for a sum of Rs.20,00,000/- and commuted value of pension to the tune of Rs.40,82,743/- totaling Rs.60,82,743/-. After release of the aforesaid amount, only surviving prayer of the petitioner is that the aforesaid amount has been released after a delay of more than 2 years for which requisite interest has to be paid.

Evidently, the petitioner stood retired on 31.10.2018 and all the retiral dues were required to be commuted and paid within the stipulated time as per the government instructions. The delay is not attributable to the petitioner. The alleged misconduct even as per the recommendations of the committee dated 05.09.2019 could have been ignored or answered by way of advisory or giving warning to the petitioner but that was not sufficient to withhold the retiral benefits of the petitioner so long. No regular departmental enquiry was initiated except the Fact Finding Enquiry which ultimately resulted in Recommendations dated 05.09.2019 in favour of the petitioner.

For the reasons recorded here-in-above, I deem it appropriate to direct the respondent no.1 to pay interest @ 6% p.a on the accumulated amount of Rs.60,82,743/- w.e.f 01.01.2019 till the date of final payment of the aforesaid amount.

Let the needful be done within a period of two months from the date of receipt of certified copy of this order.

Petition stands disposed of.

23.03.2023
mamta

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No